

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
UNITED STATES OF AMERICA, :  
:  
Plaintiff, :  
: S1 17-cr-722 (VSB)  
-against- :  
:  
SAYFULLO HABIBULLAEVIC SAPOV, :  
:  
Defendant. :  
:  
-----X

**ORDER**

VERNON S. BRODERICK, United States District Judge:

On May 4, 2022, I held a conference in this case. At the conference, Defense Counsel asked about: (1) when the jury summonses will go out; (2) the materials that will go out with the jury summonses, including any new questions related to COVID; and (3) the process by which the Jury Clerk’s Office excuses prospective jurors based on their responses. (Tr. 24:15-25:15.) I have conferred with the Jury Clerk’s Office, and this Order will serve as answers to the aforementioned questions.

The Jury Clerk’s Office follows procedures in accordance with 28 U.S.C. § 1861 *et seq.* and the Amended Plan for the Random Selection of Grand and Petit Jurors (Feb. 13, 2009), [https://www.nysd.uscourts.gov/sites/default/files/pdf/juryplan\\_feb\\_2009.pdf](https://www.nysd.uscourts.gov/sites/default/files/pdf/juryplan_feb_2009.pdf) (“Jury Plan”). Summoning jurors involves two main steps. First, the Jury Clerk’s Office sends out a Juror Qualification Questionnaire (the “Questionnaire”) to prospective jurors randomly selected from voter registration lists. (*See* Jury Plan Art. III(D).) Attached as Exhibit A is a sample Questionnaire, with the juror’s name, address, and participant number removed. The Questionnaire is meant to identify those qualified to serve on a jury. As qualified jurors are

summoned for service and the pool of available jurors becomes depleted, the Jury Clerk’s Office periodically sends the Questionnaire to a new set of randomly selected prospective jurors to replenish the pool. (*See id.*) The Jury Clerk’s Office sent the Questionnaire to approximately 40,000 new prospective jurors in April 2022.

The Questionnaire currently contains 14 questions, none of which are related to COVID. (*See Ex. A.*) Questionnaire recipients are required to sign the document under penalty of perjury. If the Jury Clerk’s Office identifies any “any omission, ambiguity, or error” in a returned Questionnaire that could affect whether the prospective juror is to be exempt or excused from jury service, the Jury Clerk’s Office will “send it back with instructions to make such additions or corrections as may be necessary.” (Jury Plan Art. III(E).)

Prospective jurors who complete the Questionnaire and who are not exempted or excused as described above are added to the pool of qualified jurors. (*See Jury Plan Art. III(F).*) The Jury Clerk’s Office then sends the actual Summons for Jury Service (the “Summons”) to qualified jurors. The Summons is attached to this Order as Exhibit B. The Summons contains instructions on how to report for jury duty and provides answers to frequently asked questions. While the Summons does not currently contain any questions related to COVID, the Summons includes a letter informing jurors of the steps that the United States District Court for the Southern District of New York is taking to protect prospective jurors and staff from exposure to COVID. The letter is attached to this Order as Exhibit C. The Summons is sent to prospective jurors four weeks prior to each reporting date.

SO ORDERED.

Dated: July 27, 2022  
New York, New York



Vernon S. Broderick  
United States District Judge

# Exhibit A



5. Are any charges now pending against you for a violation of state or federal law punishable by imprisonment for more than one year (a felony)? Yes  No
6. Have you ever been convicted of or sentenced for a state or federal crime for which punishment could have been more than one year in prison or jail (a felony)? Yes  No
7. Answer if your response to Question 6 is "Yes," Was your right to serve on a jury restored? (If "Yes," explain in the notes to the right) Yes  No
8. Do you have any physical or mental disability that would interfere with or prevent you from serving as a juror? (If "Yes," see instructions to the right for question 8). Yes  No
9. Are you Hispanic or Latino?
10. Please fill in completely one or more ovals that describe your race. (See notes to the right for Question 10).

Black/African American  
 American Indian/Alaska Native  
 Native Hawaiian/Pacific Islander

Asian  
 White  
 Other, Specify: \_\_\_\_\_

11. SEX: Male  Female

12. OCCUPATION (See instructions to the right)

- a. Are you now employed? Yes  No   
 b. Are you a salaried employee of the U.S. government (this does not include U.S. Postal Service employees)? Yes  No

13. Are you employed on a paid full time basis as a:

- a. Public official of the United States, state, or local government who is elected to public office or directly appointed by one elected to office.  
 b. Member of any non-federal government police or fire department.  
 c. Member in active service of the U.S. armed forces.

#### 14. EXCUSE CATEGORIES

If one of the numbered excuses listed to the right applies to you AND you wish to be excused on this basis, fill in the corresponding oval for that excuse number and provide additional information in the "Remarks" section if requested. See Notes to Question 14 as more information supporting your request may be required. Or if you wish to serve, do not show anything here.

- 1  2   
 3  4   
 5  6   
 7  8   
 9  10

#### 15. YOUR SIGNATURE

Be sure you have signed the form. If another person had to fill out this questionnaire for you, that person must indicate his or her name, address and reason why in the "Remarks" section on the front of this form.

I declare under penalty of perjury that all answers are true to the best of my knowledge and belief. (Sign below and date)

SIGN HERE 

Date \_\_\_\_\_

**Question 5, 6 and 7 - CRIMINAL RECORD.** If your answer to either question 5 or 6 is "Yes," please show below: (a) date of the offense, (b) date of the conviction (or date of pending charge), (c) nature of the offense, (d) the sentence imposed (if a conviction), and (e) the name of the court. One is disqualified from jury service only for criminal offenses punishable by imprisonment for more than one year, but it is the maximum penalty, and not the actual sentence, which controls. **NOTE - Answer Question 7 only if your answer to Question 6 is "Yes."**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Question 8 - YOUR HEALTH.** If you claim a mental or physical disability, please explain and/or enclose proof of it in a separate document. Do not attach anything to the form. **NOTE - Do not ask the court to call your doctor.** Any doctor's statement you obtain regarding your physical condition must be sent to the court by you rather than by the doctor. Qualified individuals with disabilities have the same opportunity and obligation to serve as jurors as individuals without disabilities. If you have a disability that would affect, but not prevent, your serving as a juror, please advise and explain below or by enclosing a separate unattached letter.

\_\_\_\_\_

**Question 10 - RACE.** Federal law requires you as a prospective juror to indicate your race. This answer is required solely to avoid discrimination in juror selection and has absolutely no bearing on qualifications for jury service. By answering this question you help the federal court check and observe the juror selection process so that discrimination cannot occur. In this way, the federal court can fulfill the policy of the United States, which is to provide jurors who are randomly selected from a fair cross section of the community.

**Question 12 - OCCUPATION.** Federal law requires that you answer the questions about your occupation so that the Federal Courts may determine promptly whether you fall within an excuse or exemption category (See Questions 13 and 14).

Your Usual Occupation, Trade, or Business \_\_\_\_\_

Your Employer's Name \_\_\_\_\_

**Question 14 - GROUNDS FOR EXCUSE.** If one of the categories listed below applies to you and you wish to be excused for that reason, fill in completely the oval for your category at Question 14. Please make sure you also give in the "Remarks" on the front of this form such information as may be requested within the excuse category. You may still be qualified to serve if the court determines upon review that you appear to be eligible for service. Other persons may be excused only by showing jury service would cause them undue hardship or extreme inconvenience.

- (1) Over 70 years of age AND DO NOT WISH TO SERVE.  
 (2) Prior jury service within the last 4 years. Answer all questions.  
 (3) Volunteer firefighter or volunteer ambulance crew member and do not wish to serve.  
 (4) Persons having legal custody & active daily care of children under age 12 (give age of children); or who actively care for an aged or infirm person  
 (5) Persons who would suffer a true hardship if required to serve jury duty. Answer all questions & include a full explanation.

# **Exhibit B**

## UNITED STATES DISTRICT COURT

SUMMONS  
FOR JURY  
SERVICE

PLEASE READ  
FURTHER  
INSTRUCTIONS IN  
THE INFORMATION  
INCLUDED WITH THIS  
SUMMONS.



TO:

PLEASE BRING THIS UPPER  
SECTION WITH YOU WHEN  
YOU REPORT FOR JURY DUTY  
DETACH AT PERFORATION FOR JUROR BADGE

THE COURT SUMMONS YOU TO APPEAR FOR JURY DUTY BEGINNING ON THE DATE, TIME AND PLACE SHOWN BELOW.

LOCATION:

DATE:

TIME:

JUROR NUMBER:

PHONE TO CALL:

# JUROR

UNITED STATES DISTRICT COURT

JURY INFORMATION FORM DETACH THIS PORTION AND RETURN BY MAIL WITHIN 5 DAYS

\*IF YOU HAVE NO HOME PHONE GIVE PHONE NO. OF SOMEONE WHO CAN REACH YOU.

1. LAST NAME			FIRST	MIDDLE INITIAL	2. PHONE	HOME (OR OTHER*)	
M A D D R E S S	STREET			P.O. BOX	WORK		
	CITY			STATE	ZIP		
4. COUNTY		5. PLACE OF BIRTH	6. MARITAL STATUS		3. HOW LONG HAVE YOU LIVED IN THIS COUNTY      YRS.      MOS.		
			<input type="radio"/> SINGLE	<input type="radio"/> MARRIED	<input type="radio"/> WIDOWED	<input type="radio"/> SEPARATED OR DIVORCED	THIS STATE      YRS.      MOS.
8. AGE		9. ARE YOU EMPLOYED? <input type="radio"/> YES <input type="radio"/> NO	10. YOUR OCCUPATION OR BUSINESS		7. NO. OF CHILDREN		
11. YOUR FIRM OR EMPLOYER'S NAME					12. BUSINESS ADDRESS OR EMPLOYER'S ADDRESS STREET      CITY		
13. IF RETIRED, YOUR OCCUPATION BEFORE RETIREMENT					14. SPOUSE'S OCCUPATION (IF SPOUSE RETIRED, OCCUPATION BEFORE RETIREMENT)		
15. ARE ANY CHARGES NOW PENDING AGAINST YOU FOR A STATE OR FEDERAL CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN ONE YEAR? <input type="radio"/> YES <input type="radio"/> NO					16. HAVE YOU BEEN CONVICTED OF A STATE OR FEDERAL CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN ONE YEAR? <input type="radio"/> YES <input type="radio"/> NO		
18. DO YOU HAVE ANY PHYSICAL OR MENTAL INFIRMITY WHICH WOULD IMPAIR YOUR CAPACITY TO SERVE AS A JUROR? <small>IF ANSWER IS "YES" AND YOU SEEK AN INFIRMITY EXCUSE PLEASE ATTACH A LETTER OR A DOCTOR'S STATEMENT.</small>					17. IF "YES" WERE YOUR CIVIL RIGHTS RESTORED? <input type="radio"/> YES <input type="radio"/> NO		
19. ARE YOU A SALARIED EMPLOYEE OF U.S. GOVERNMENT? <input type="radio"/> YES <input type="radio"/> NO					17. IF "YES" WERE YOUR CIVIL RIGHTS RESTORED? <input type="radio"/> YES <input type="radio"/> NO		
20. ESTIMATED NO. OF MILES ONE WAY FROM YOUR HOME TO COURTHOUSE TO WHICH YOU ARE SUMMONED. <small>(REV. 01/15)</small>					I declare under penalty of perjury that all answers are true to the best of my knowledge and belief. <b>SIGN HERE</b>		

GSA GEN. REG. NO. 27-2007-3425

GSA

## WHAT SHOULD I DO FIRST?

1. **Keep the top half of the summons, and bring the original summons (not a copy) with you when you report for jury service.** Do not detach the JUROR BADGE found on the front of this form. You must mail the lower portion of this summons within five (5) business days.
2. **You must call the recorded message before traveling to the courthouse.** You may not be required to appear on the date of the summons. Call the telephone number on the front of this form on the weekend or evening before you are summoned to appear for your reporting instructions. **All jurors should know their employer's policy regarding payroll and jury service before reporting to the courthouse.**

**IMPORTANT: DO NOT BRING ELECTRONIC EQUIPMENT, INCLUDING CELLPHONES, PDAs, LAPTOPS AND THE LIKE TO THE COURTHOUSE.**

**Please Note:** You cannot transfer your jury duty service to any other courthouse. You must report to the courthouse that summoned you.

**TRAVEL DIRECTIONS TO THE NEW YORK CITY COURTHOUSE:** The Southern District Courthouse is located in downtown Manhattan, at 200 Worth St., 1 block east of Foley Square. **From Manhattan & the Bronx** take the 4, 5, or 6 subway downtown to Brooklyn Bridge Station. **From Westchester & Putnam** take Metro-North Railroad to Grand Central Terminal, then take the 4, 5 or 6 subway downtown to Brooklyn Bridge Station, or take the M103 bus downtown from the Lexington Ave side of Grand Central to the corner of Worth Street & Park Row. **From Rockland** take Metro North from Spring Valley, Nanuet, Pearl River, Sloatsburg or Suffern to Hoboken. Transfer to a PATH train at 34<sup>th</sup> Street Penn Station. Transfer to the downtown N, R, Q or W subway to 14<sup>th</sup> Street - Union Square Station and then transfer to the downtown 4, 5 or 6 subway to the Brooklyn Bridge Station. The other choice is to take the PATH train to World Trade Center and walk north on Church St. (with the traffic), then go right on Worth St. for 4 blocks or take an express bus to the Port Authority Bus Terminal and take the A or C subway downtown to the Chambers Street Station.

**HOW LONG WILL I SERVE JURY DUTY?** Your jury service will typically be **two weeks** or less from the first day you report to the courthouse. If you are selected as a juror, you must serve until the matter or matters before you conclude. **Important: The court's schedule may change, and you may not be required to appear on the date of the summons.** Call the telephone number on the front of this form on the weekend or evening before your summons date for your recorded reporting instructions. That recorded message may delay your date to appear by several days or more.

**TO POSTPONE YOUR JURY SERVICE (THIS DOES NOT APPLY TO A SUMMONS PRINTED "MUST SERVE"):** You may postpone your jury service for a maximum of six (6) months. To postpone your jury service complete the front of this form and use the return envelope to mail this entire original summons, and a brief note indicating when you can serve. Due to the large volume of mail you will not receive a reply to your letter, and you do not have to report to the courthouse. **You may postpone only 3 times.** If you have already postponed your service 3 times and still cannot serve, you must appear in person before your summons date to request an additional postponement. **If you receive a postponement or permanent excuse on the day you report for jury duty, you will not be paid for your attendance or travel.** Did you recently serve jury duty? You can be postponed if you served jury duty within the last 4 years. Simply mail back this summons and a copy of the Certificate of Jury Service from the court you served in. You will not receive a reply to your letter and you do not have to report to the courthouse.

**FOR EMERGENCY WEATHER CLOSINGS PLEASE CALL (212) 805-0515.**

**WILL I BE PAID FOR MY JURY DUTY SERVICE?** You will be paid an attendance fee plus your travel costs.

**TO BE EXCUSED FROM JURY SERVICE PERMANENTLY:** If you wish to be excused permanently, answer all the questions on the front of this form and use the return envelope to send (1) this entire original summons, (2) a full note of explanation, and (3) any supporting documentation, such as a doctor's note or proof of a new address (such as a yellow postal forwarding sticker, a copy of a new driver's license, or a utility bill).

**PENALTY:** Failure to obey this jury summons may be punishable by fine and/or imprisonment. 28 U.S.C. 1866(g).

**PRIVACY NOTICE:** Federal Courts do not require anyone to provide any sensitive information in a telephone call. Most contact between a federal court and a prospective juror will be through the U.S. Mail. Any phone contact by court officials will not include requests for social security numbers, credit card numbers, or other sensitive information. Persons receiving telephone calls requesting such information should not provide it and should notify the Clerk of the Court that they have received such a call.

**A WORD OF THANKS:** There is no more valuable public service that a citizen can provide than the good faith performance of jury duty. We hope you find your jury service to be an interesting and rewarding experience, and we thank you for your time.

# Exhibit C



Dear Citizen:

You have been randomly selected to serve as a prospective juror in the United States District Court for the Southern District of New York. I want to assure you that we in the Southern District of New York are committed to taking all steps needed to protect both you and our staff from exposure to the COVID-19 virus.

We are closely following and reinforcing the guidelines from the Centers for Disease Control and Prevention (CDC) and local health authorities. We have hired expert advisors, including an eminent epidemiologist and a specialist in computational fluid dynamics (air flow); and under their guidance we have developed new and comprehensive protocols to limit the potential spread of the virus as we resume jury trials. Jurors are being called in small numbers, and return dates and times will be staggered so that all prospective jurors do not need to report to the courthouse at once. At the entrance to the courthouse you will be asked several questions and may have your temperature scanned in order to gain entry. To speed this process, we recommend that you register in advance to receive a text message on the morning of your jury service in order to answer the entry questions electronically and receive a QR code to gain swift entry to the courthouse. Registration instructions, along with a video about jury service, are available on the Court's Jury webpage ([www.nysd.uscourts.gov/jurors](http://www.nysd.uscourts.gov/jurors)). Court personnel will wear masks at all times in the jury assembly room. Prospective jurors will occupy socially distanced seating and wear masks in the jury assembly room; the court will provide you with a mask if you do not have your own. Court personnel will advise selected jurors about the particular social distancing and masking requirements in the courtroom for each case proceeding, as required by the Court's safety protocols. Facilities in the courthouse will be cleaned on a routine basis. Jurors will earn \$50.00 per day for their service.

Finally, we are performing screening prior to the report date. On the reverse of this letter are instructions, which I ask you to read and follow. We will maintain the confidentiality of all health-related information you provide to us.

Serving as a juror is both an honor and a privilege. For more than 200 years, we, as free citizens of this country, have looked to juries to preserve the liberty and safety of our citizens. Yours is a vital role; thank you for your service.

A handwritten signature in black ink, appearing to read "Laura Taylor Swain".

Laura Taylor Swain, Chief United States District Judge

## U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

## JUROR INSTRUCTIONS

**Step 1 – To Do Now**

Please read the enclosed SUMMONS FOR JURY SERVICE and respond to your summons within 5 days. To respond to your summons, you must either (1) complete and mail the lower half of the form in the enclosed postage-paid envelope; or (2) respond on-line at [www.nysd.uscourts.gov/ejuror](http://www.nysd.uscourts.gov/ejuror).

If you are unable to serve at this time and wish to have your jury service either postponed or excused, then you must complete the lower half of the summons form, provide the required information as indicated in the instructions on the reverse side of the summons form, and return the summons form and information in the postage-paid envelope. Again, this must be done within 5 days of receipt of the summons.

**Step 2 – To Do One Week Before Your Jury Duty**

For your safety and the safety of others, the court has placed restrictions on who may enter the courthouse. To learn if you will be allowed to enter the courthouse you must first answer the questions included in the “SDNY (NON-DEVICE) ENTRY QUESTIONNAIRE” available at <https://nysd.uscourts.gov/covid-19-coronavirus> *no sooner than one week before your reporting date*. Your answers will be kept confidential.

*Only* if you believe you may be denied entry to the courthouse based on your answers should you telephone the Jury Administration office at (212) 805-0179 between the hours of 9:00 a.m. and 4:00 p.m., Tuesday through Friday, *the week before your reporting date*.

**Step 3 – To Do on the Morning of Your Jury Duty**

Persons entering the courthouse are required to undergo a screening process at the door. You may speed your entry into the courthouse by scanning the QR code below with your cellphone and answering a few questions on-line *on the morning you travel to the courthouse*.



<https://app.certify.me/SDNYPublic>